

IN THE UNITED STATES DISTRICT COURT

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CIVIL ACTION NO. 5:16-CV-51

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MEMORANDUM OPINION & ORDER

Petitioner, Richard J. Andrews, an inmate confined at the Michaels Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner submitted an application to proceed *in forma pauperis* in this action on April 8, 2016. A review of the application reveals that petitioner has maintained a six month average deposit of \$75.00 and a six month average balance of \$26.60.

Since 1892, Congress has permitted indigent persons to bring lawsuits in federal courts without prepayment of filing fees. Act of July 20, 1892, ch. 209.27 Stat. 252 (codified, as amended, at 28 U.S.C. § 1915). The applicable statute is intended to provide access to the federal courts for litigants who lack financial resources to pay any part of the statutory filing costs. However, a district court may order users of the courts to pay the filing fees when they are financially able to do so. *See Williams v. Estelle*, 681 F.2d 946 (5th Cir. 1982).

Based on petitioner's six month average deposits and balance, petitioner should pay the \$5.00 filing fee in this action. Accordingly, petitioner will be denied leave to proceed *in forma pauperis*

and will be directed to pay the \$5.00 filing fee.

ORDER

For the reasons set forth above, petitioner's application to proceed *in forma pauperis* is **DENIED**. Petitioner shall pay the \$5.00 filing fee within thirty (30) days from the date set forth below.

SIGNED this 26th day of April, 2016.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE